

### **REMARKS**

Claims 1-20 are presently pending. Claims 1, 6-8, and 13-16 have been amended. Thus, claims 1-20 remain pending in the present application.

#### **Claim Objections – 35 U.S.C. § 112**

Claims 1-20 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The “plurality of incomplete offers” referred to in independent claims 1 and 8 and shown in FIGs. 8-10 are incomplete in the sense that after the player chooses a fisherman or fishermen to “fish” for credits, the game continues to a final stage where a plurality of completed offers are formed (e.g., by the fishermen “fishing” for credits a final time).

Applicants have amended independent claims 1, 8, and 15 to further clarify “the plurality of offers” limitation. Thus, Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of claims 1, 8, 15, and their dependents be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0055115 to Gerrard et al. (“Gerrard”).

A Declaration has been submitted pursuant to 37 C.F.R. § 1.131. The Declaration establishes that the subject matter of the present application was invented before the filing date of Gerrard.

Gerrard was filed on September 9, 2003, just 2 days before the filing date of the present application. The inventors state that Exhibit A to the Declaration, which is a PowerPoint presentation, was developed prior to September 9, 2003. (Decl. ¶ 4.) Further, the inventors state they diligently worked on this technology and on developing this patent application after developing the PowerPoint presentation in Exhibit A to the Declaration. (*Id.* at ¶¶ 5 & 6.) Several of the figures of the present application are substantially identical to the drawings of Exhibit A, including FIGS. 3-12. Hence, it is clear that the subject matter disclosed and claimed in the present application was invented before September 9, 2003.

Accordingly, the Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn. In addition to substantive reasons that Gerrard does not render obvious the claimed invention, the Declaration is effective in removing Gerrard as a prior art reference. Hence, the rejection fails because Gerrard is not prior art against the pending application.

### Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

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Respectfully submitted,

By 

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